

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ITOFFEE R. GAYLE,

Plaintiff,

-v.-

ANGIE VILLAMARIN,

Defendant.

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GABRIEL W. GORENSTEIN, United States Magistrate Judge:

This matter is before the Court on defendant's motion for summary judgment. (Docket # 81). One of the issues before the Court is the nature of plaintiff's copyright interest under copyright registration number VA 2-006-958. (Compare Docket # 83 ¶¶ 7-14 with Docket # 90 ¶¶ 14-23). After briefing was complete on defendant's motion for summary judgment, plaintiff produced a certified copy from the United States Copyright Office of the work registered under VA 2-006-958. (Docket # 99). Plaintiff contends, based on this document that:

[T]he deposited work for the [VA 2-006-958] Copyright comprises the nine images of artwork contained in Exhibit B to Mr. Gayle's declaration in this matter. See ECF No. 89 at 2, 4; ECF No. 91 at ¶¶ 14-18 & Ex. B. The deposited work includes the image shown in Paragraph 17 of Mr. Gayle's declaration, which was produced as GAYLE_000079. See ECF No. 91, Ex. B at 3.

(Docket # 99). Defendant has not had the opportunity to state its position on plaintiff's contention as stated in the paragraph quoted above.

If defendant is challenging this contention, it shall file any evidence in support of its position and any argument on the question (in the form of a letter) on or before January 20, 2021. If defendant is not challenging this contention, it shall so state in a letter to the Court filed by that date.

SO ORDERED.

Dated: January 13, 2021

New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge